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In re:	Sumar Kumar Inala et al.	
Case: P3902D1	Application No.: 09/737,404	Filing date: 12/14/2000
Art Unit: 2179	Examiner: William D. Hutton Jr.	
Subject:	Method and Apparatus for Obtaining and Presenting WEB Summaries to Users	

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Art Unit: 2176   Examiner: William D. Hutton Jr.

In Re: Sumar Kumar Inala
Case: P3902D1
Serial No.:   09/737,404
Filed: 12/14/2000
Subject: Method and Apparatus for Obtaining and Presenting WEB Summaries to
              Users

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

Appeal
Response to Non-Compliant Amendment

A notice of non-compliant was mailed in the above-referenced case on 08/19/2005

regarding a response filed in the case on 08/16/2005. A corrected version of the response

follows. Please deduct any required fees from deposit account 50-0534.

Respectfully submitted,
Sumar Kumar Inala

by_____
Donald R. Boys
Reg. No. 35,074

Central Coast Patent Agency, Inc.
P.O. Box 187
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(831) 726-1457

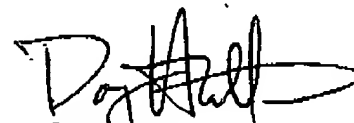| *Notification of Non-Compliant Appeal Brief* *(37 CFR 41.37)*	Application No. 09/737,404	Applicant(s) INALA ET AL.
	Examiner Doug Hutton	Art Unit 2176	

--The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

The Appeal Brief filed on *15 November 2004* is defective for failure to comply with one or more provisions of 37 CFR 41.37.

To avoid dismissal of the appeal, applicant must file a complete new brief in compliance with 37 CFR 41.37 within **ONE MONTH or THIRTY DAYS** from the mailing date of this Notification, whichever is longer. **EXTENSIONS OF THIS TIME PERIOD MAY BE GRANTED UNDER 37 CFR 1.136.**

1. ☒ The brief does not contain the items required under 37 CFR 41.37(c), or the items are not under the proper heading or in the proper order.

2. ☐ The brief does not contain a statement of the status of all claims, (e.g., rejected, allowed or confirmed, withdrawn, objected to, canceled), or does not identify the appealed claims (37 CFR 41.37(c)(1)(iii)).

3. ☐ At least one amendment has been filed subsequent to the final rejection, and the brief does not contain a statement of the status of each such amendment (37 CFR 41.37(c)(1)(iv)).

4. ☒ (a) The brief does not contain a concise explanation of the subject matter defined in each of the independent claims involved in the appeal, referring to the specification by page and line number and to the drawings, if any, by reference characters; and/or (b) the brief fails to: (1) identify, for each independent claim involved in the appeal and for each dependent claim argued separately, every means plus function and step plus function under 35 U.S.C. 112, sixth paragraph, and/or (2) set forth the structure, material, or acts described in the specification as corresponding to each claimed function with reference to the specification by page and line number, and to the drawings, if any, by reference characters (37 CFR 41.37(c)(1)(v)).

5. ☒ The brief does not contain a concise statement of each ground of rejection presented for review (37 CFR 41.37(c)(1)(vi))

6. ☐ The brief does not present an argument under a separate heading for each ground of rejection on appeal (37 CFR 41.37(c)(1)(vii)).

7. ☐ The brief does not contain a correct copy of the appealed claims as an appendix thereto (37 CFR 41.37(c)(1)(viii)).

8. ☒ The brief does not contain copies of the evidence submitted under 37 CFR 1.130, 1.131, or 1.132 or of any other evidence entered by the examiner and relied upon by appellant in the appeal, along with a statement setting forth where in the record that evidence was entered by the examiner, as an appendix thereto (37 CFR 41.37(c)(1)(ix)).

9. ☒ The brief does not contain copies of the decisions rendered by a court or the Board in the proceeding identified in the Related Appeals and Interferences section of the brief as an appendix thereto (37 CFR 41.37(c)(1)(x)).

10. ☐ Other (including any explanation in support of the above items):

Doug Hutton
Examiner
Art Unit: 2176

U.S. Patent and Trademark Office
PTOL-462 (Rev. 9-04)   Notification of Non-Compliant Appeal Brief (37 CFR 41.37)   Part of Paper No. 20050808
PAGE 3/15 * RCVD AT 9/16/2005 5:42:55 PM [Eastern Daylight Time] * SVR:USPTO-EFXRF-6/27 * DNIS:2738300 * CSID:8317263475 * DURATION (mm-ss):04-34

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE BOARD OF PATENT APPEALS AND INTERFERENCES

INVENTOR:	Sumar Kumar Inala
CASE:	P3902D1
SERIAL NO.:	09/737,404 **GROUP ART UNIT:** 2179
FILED:	12/14/2000 **EXAMINER:** William D. Hutton Jr.
SUBJECT:	Method and Apparatus for Obtaining and Presenting WEB Summaries to Users

PARTY IN INTEREST: All inventions in the disclosure in the present case are assigned to or assignable to:

Yodlee.com, Inc.
3600 Bridge Parkway, Suite 200
Redwood City, CA 94065

Commissioner for Patents
P.O. Box 1450
Alexandria VA 22313-1450

Sirs:

APPEAL BRIEF

- 2 -

1.0   Real Party in Interest

The real party in interest is the party named above in the caption of the brief:

Yodlee.com, Inc.
3600 Bridge Parkway, Suite 200
Redwood City, CA 94065

2.0   Related Appeals and Interferences

There are no related appeals or interferences in the instant case.

3.0   Status of the Claims

There are twelve claims in the case numbered 1-12:

1. Independent system claim. Rejected.

2. Depended from claim 1. Rejected.

3. Depended from claim 1. Rejected.

4. Depended from claim 1. Rejected.

5. Depended from claim 1. Rejected.

6. Canceled

7. Independent method claim. Status Rejected.

8. Depended from claim 7. Rejected.

9. Depended from claim 7. Rejected.

10. Depended from claim 7. Rejected.

11. Depended from claim 7. Rejected.

12. Canceled.

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4.0 Status of Amendments

No amendments have been filed subsequent to the Final rejection motivating the present appeal.

5.0 Summary of the Claimed Subject Matter

Following is a concise explanation of the subject matter defined in each of the claims standing in the present appeal:

1. An Internet Portal (Fig. 1, element 11, introduced page 6, line 19), comprising:

an Internet-connected server (Fig. 1, element 31, introduced page 7, line1); and

a portal software (Fig. 1, element 35, introduced page 7, line 10; in more detail Fig. 2 and description on page 18 beginning at line 17) executing on the server (Fig. 1, element 31), including a summary software agent (Fig. 2, element 39, described in detail beginning on page 18, line 17);

wherein the Portal maintains a list (Fig. 2, element 34, described page 9 beginning at line 4) of Internet destinations at secure servers (Fig. 1, elements 23, 25 and 27) maintaining personal, proprietary financial accounts for each one or more of a plurality of subscribing users, and the summary software agent (39) automatically logs in to the secure servers on behalf of, and transparent to the subscribing users, according to data stored for the subscribing users at the Portal (11), retrieves financial information proprietary to each one of the subscribing users, stores the retrieved financial information at the portal, according to pre-programmed criteria, and summarizes the retrieved information for delivery to the subscribing users.

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2. The Portal (11) of claim 1 further comprising a configuration and initiation interface (See Fig. 2, and Fig. 3 elements 58, 60 and 62; and description Page 16, beginning at line 23 and continuing on page 17) enabling the subscribers to set up and start a summary search.

3. The Portal (11) of claim 1 wherein the summary searches are configured for individual clients as templates (See Page 21, beginning line 9) stored and retrieved at the Internet-connected server (31).

4. The Portal (11) of claim 1 wherein information retrieved in a summary search is stored to be retrieved by the subscriber.

5. The Portal (11) of claim 1 wherein information retrieved in a summary search is downloaded immediately to the subscriber.

7. In an Internet Portal system (Fig. 1, element 11, introduced page 6, line 19), a method for providing summaries of information personal and proprietary to each one or more of a plurality of subscribing users, stored at secure WEB sites (Fig. 1, elements 23, 25 and 27) specifically authorized and specified by the subscribing users, URLs for which are maintained for individual ones of the subscribing users, the method comprising steps of:

(a) configuring a summary software agent (Fig. 2, element 39, described in detail beginning on page 18, line 17) executable on the Portal (11) to access the URLs, wherein the URLs are Web site addresses at secure servers (Fig. 1 elements 23, 25 and 27) maintaining personal and proprietary financial accounts for the subscriber;

(b) retrieving information from individual ones of the WEB sites (23, 25 and 27) accessed according to pre-programmed criteria specific to each subscriber; and

(c) providing the information to the subscribers; wherein automatic secure logins (Fig. 5, step 105, described Page 30 beginning at line 13) for retrieving the information

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from the secure Web sites are performed on behalf of, and transparent to the subscribers according to data stored for each subscriber at the Portal.

8. The method of claim 7 further comprising a step for the subscriber to configure and initiate, via a configuration and initiation interface (See Fig. 2, and Fig. 3 elements 58, 60 and 62; and description Page 16, beginning at line 23 and continuing on page 17), a summary search.

9. The method of claim 7 wherein the summary searches are configured for individual clients as templates stored and retrieved at the Internet-connected server.

10. The method of claim 7 wherein information retrieved in a summary search is stored to be retrieved by the subscriber.

11. The method of claim 7 wherein information retrieved in a summary search is downloaded immediately to the subscriber.

6.0   Grounds of Rejection to be Reviewed on Appeal

6.1 Claims 1-5 and 7-11 stand rejected under 35 U.S.C. 103(a) over Nazem et al., US Patent No. 5, 983,227, in view of Nehab et al., US Patent 6,029,182, Gersham et al., US Patent 6,356,905, and Rao, US Patent 6,078,929.

6.2 Claims 1-5 and 7-11 stand rejected under 35 U.S.C. 103(a) over Nielson, US Patent No. 6,006,333 in view of Franco et al., US Patent 6,687,745.

7.0   Argument

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7.1 103(a) over Nazem in view of Nehab, Gersham, and Rao.

The Examiner relies on Gersham for teaching retrieving, storing, and summarizing information that is proprietary to subscribers. Applicant argues that the reference of Gershman fails to teach retrieving, storing and summarizing financial information that is proprietary to the subscribing users, and that the "personal" aspects of the system/service relate to the personal information stored in the user's profile. The Examiner asserts that the information retrieved by Gershman is proprietary in that it uses trusted agents that err on the side of privacy of information, rather than on the side of stimulation of commerce, and that the third-party services of Gershman include "personal finance", and one of ordinary skill would have realized that this would have included online banking.

Applicant argues, however, that the fact that Gershman teaches the use of "trusted" agents, which may err on the side of privacy of information, rather than on the side of stimulation of commerce, certainly does not express or indicate that proprietary financial information is retrieved, stored and summarized for the user, as taught and claimed by applicant. The agents of Gershman are "trusted" to carry out the many various tasks on behalf of the subscribing user, such as going online to pay bills, filtering content and e-mails, and so on, but the information retrieved and stored by the agents on behalf of the subscribing user is not owned solely by the subscribing user; rather, it is simply information, some of which may be personal to the subscribing user, but which may also be viewed and utilized by others who are not "trusted". Because the agent of Gershman is able to go online and pay bills, for example, for the subscribing user, without retrieving financial information proprietary to the subscribing user, or storing the retrieved financial information at the portal according to preprogrammed criteria, and summarizing the retrieved information for delivery to the subscribing users, is testament to this fact.

Applicant believes the Examiner, in his interpretation of the teachings of

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Gershman, reads more into the teachings than is actually provided by the reference, and
for the reasons outlined above by applicant, Gershman still fails to read on the specific
limitations of applicant's claims pertaining to proprietary financial information, and the
Examiner's reliance on Gershman, in combination with the remaining references, to read
on applicant's base claims is improper.

7.2 103(a) over Nielson in view of Franco.

The Examiner has stated that, regarding claim 1, Nielsen substantially discloses
the limitations of applicant's claim, with the exception that is not expressly disclosed that
the information maintained, retrieved, and summarized is financial information. The
Examiner provides the reference of Franco for teaching this deficiency.

Applicant argues that not only does Nielsen fail to teach that the information is
financial information, Nielsen also fails to teach that the information is information
proprietary to the subscribing user. Nielsen discloses (col. 1, lines 63-65) that users
subscribe to Web sites, but that certainly does not expressly indicate that the information
on those Web sites is proprietary to the users. Simply having a subscription for accessing
information contained in a Web site does not render said information proprietary to the
user. Much of the information accessed by the subscribing user is information accessible
to others visiting the Web sites, without authorization, therefore the information is clearly
not proprietary to the users.

In regard to the reference of Franco, appellant respectfully points out that Franco
does not teach maintaining proprietary financial accounts in this illustration or
description in the specification. The illustration simply depicts a computer display screen
which is displaying an interaction window wherein the user may track stock trading and
activity. The example is only used for illustrating a drag and drop operation in
accordance with the invention. The Examiner has stated that, regarding Fig. 4A, the
software of Franco "maintains" "proprietary financial accounts" in that it keeps

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information about stocks owned by the user, "retrieves" "proprietary financial information" in that it displays the user's stock portfolio and trading orders, and "summarizes" the retrieved information in that it displays only those stocks chosen for display by the user for the purpose of providing links to remotely stored information.

Upon careful review of Franco, particularly the portions cited and applied by the Examiner, applicant argues that, firstly, Franco does not "maintain" any financial account proprietary to the user. The Stock Watcher Application 100 of Fig. 4A upon is simply used to illustrate the "droplet" application enabling the user to create the interactive interface in the display window for accessing the remote information. Further, the remote information displayed for access by application 100 is not information that is financial information proprietary to the user. Still further, the Examiner's contention that the stocks displayed by application 100 of Fig. 4A are owned by the subscribing user is conjecture on the Examiner's part. There is no specific disclosure or suggestion anywhere in the specification that the stocks displayed by application 100 are solely owned by the subscribing user, i.e. part of the user's stock portfolio. The displayed information does not constitute "proprietary financial accounts"; rather, the displayed information is simply the stock symbols, current stock values, and other information pertaining to each stock symbol. The information is not proprietary to the subscribing user, because it is also viewable by other stock traders, utilizing other means of accessing the data, who may be tracking the same stocks.

Still further to the above, the software taught by Franco does not "retrieve" "proprietary financial information" because the stock information displayed by application 100 of Fig. 4A is not specifically taught to be the user's stock portfolio and trading orders. Franco, therefore also fails to teach "summarizing" "proprietary financial information" because the information "summarized" by application 100 is simply a listing of stock symbols chosen by the user, and the current value and other information pertaining to each. There is no indication whatsoever that the stocks displayed are owned by the user, and the information therefore cannot be construed as "proprietary financial information".

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7.3 Summary

Applicant believes in view of the above arguments claims 1 and 7 are clearly and unarguably patentable as last amended over either combination of references relied on by the Examiner in this case, as neither combination produces applicant's claimed limitations of maintaining, retrieving, storing or summarizing financial information that is proprietary to the subscribing user. Claims 2-5 and 8-11 are then patentable on their own merits, or at least as depended from a patentable claim.

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8.   Claims Appendix

1. An Internet Portal, comprising:

      an Internet-connected server; and

      a portal software executing on the server, including a summary software agent;

      wherein the Portal maintains a list of Internet destinations at secure servers

maintaining personal, proprietary financial accounts for each one or more of a plurality of

subscribing users, and the summary software agent automatically logs in to the secure

servers on behalf of, and transparent to the subscribing users, according to data stored for

the subscribing users at the Portal, retrieves financial information proprietary to each one

of the subscribing users, stores the retrieved financial information at the portal, according

to pre-programmed criteria, and summarizes the retrieved information for delivery to the

subscribing users.

2. The Portal of claim 1 further comprising a configuration and initiation interface
enabling the subscribers to set up and start a summary search.

3. The Portal of claim 1 wherein the summary searches are configured for individual
clients as templates stored and retrieved at the Internet-connected server.

4. The Portal of claim 1 wherein information retrieved in a summary search is stored to
be retrieved by the subscriber.

5. The Portal of claim 1 wherein information retrieved in a summary search is
downloaded immediately to the subscriber.

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6. (canceled)

7. In an Internet Portal system, a method for providing summaries of information personal and proprietary to each one or more of a plurality of subscribing users, stored at secure WEB sites specifically authorized and specified by the subscribing users, URLs for which are maintained for individual ones of the subscribing users, the method comprising steps of:

    (a) configuring a summary software agent executable on the Portal to access the URLs, wherein the URLs are Web site addresses at secure servers maintaining personal and proprietary financial accounts for the subscriber;

    (b) retrieving information from individual ones of the WEB sites accessed according to pre-programmed criteria specific to each subscriber; and

    (c) providing the information to the subscribers; wherein automatic secure logins for retrieving the information from the secure Web sites are performed on behalf of, and transparent to the subscribers according to data stored for each subscriber at the Portal.

8. The method of claim 7 further comprising a step for the subscriber to configure and initiate, via a configuration and initiation interface, a summary search.

9. The method of claim 7 wherein the summary searches are configured for individual clients as templates stored and retrieved at the Internet-connected server.

10. The method of claim 7 wherein information retrieved in a summary search is stored to be retrieved by the subscriber.

11. The method of claim 7 wherein information retrieved in a summary search is downloaded immediately to the subscriber.

12. (canceled)

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9.0   **Evidence Appendix**

No evidence other than the arguments and facts presented in this brief is provided.

10.   **Related Proceedings Appendix**

No copies provided, because these claims have never been appealed.

Respectfully Submitted,

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by _____
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